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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,812	10/30/2003	Cheng Chung Wang	10111396	1296

34283 7590 03/23/2006

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,812	Applicant(s) WANG, CHENG CHUNG	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-5 and 9-22 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment filed 7/6/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“A driving element is provided for impelling the second switch structure to the fourth orientation when the first switch structure is moved to the first orientation while the second switch structure is in the third orientation, such that the first and second switch structures cannot be respectively in the first and third orientations simultaneously. Preferably, the driving element also impels the first switch structure to the second orientation when the second switch structure is moved to the third orientation while the first switch structure is in the first orientation, such that the first and second switch structures cannot be respectively in the first and third orientations simultaneously.”; and

“In this embodiment, the driving element preferably impels the second switch structure to the fourth orientation when the first switch structure is moved to the fifth orientation while the second switch structure is in the sixth orientation, such that the first and second switch structures cannot be respectively in the fifth and sixth orientations simultaneously. The driving element may also impel the first switch structure to the second orientation when the second switch structure is moved to the sixth orientation

while the first switch structure is in the fifth orientation, such that the first and second switch structures cannot be respectively in the fifth and sixth orientations simultaneously.”

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification is required to be amended to provide proper antecedent basis for the following terms and limitations: first chamber; first valve; first switch structure; second chamber; second valve; second switch structure; the limitation “wherein the first switch structure and the second switch structure control the air pump to operate and open the first or second valve in one step” (claim 22).

Claim Objections

Claim 5 is objected to because of the following informalities:

In claim 5, line 3, “rotating” should be replaced with “rotates” for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 9-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The subject matter of claims 3, 9, 10, 12, 14, 15, 18 and 19 is not supported by the original disclosure.

In addition, the limitations "a driving element impelling the second switch structure to the fourth orientation when the first switch structure is moved to the first orientation while the second switch structure is in the third orientation, such that the first and second switch structures cannot be respectively in the first and third orientations simultaneously" is not supported by the original disclosure.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear as to how the motor itself can inflate the first chamber and the second chamber.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "wherein the first switch structure and the second switch structure control the air pump to operate and open the first or second valve in one step" erroneously implies that the first switch structure opens the second valve and the second switch structure opens the first valve.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,591,437) in view of Swenson et al (US 4,394,784).

Phillips discloses an inflatable product, including: a first chamber (66a); a first pump (16); a first valve (86) through which the air pump inflates the first chamber; a first switch structure (84a/68/70/62) connected to the first valve, wherein the first valve is mechanically opened by the first switch structure; a second chamber (66b); a second valve (86) through which the air pump inflates the second chamber; a second switch structure (84b/68/62) connected to the second valve wherein the second valve is mechanically opened by the second switch structure; wherein the first switch structure

and second switch structure controls the pump to operate (via 68/70/72 and 68/62) and open the first or second valve in one step (given that the pump is already plugged in/turned on). Phillips fails to teach that his pump includes a fan and motor. Phillips instead employs a diaphragm pump. Swenson et al teaches an air bed with a firmness control, the bed comprising two bladders pneumatically inflatable via a blower/motor assembly. Given Swenson et al's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a blower/motor assembly in place of Phillips' diaphragm pump as an alternative inflation means.

Allowable Subject Matter

Claims 1-2 are allowed.

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/1/06 with respect to the objections to the specification and the rejections under 35 USC 112, 1st paragraph, have been fully considered but they are not persuasive.

Applicant asserts "Furthermore, a person of ordinary skill in the art at the time of the invention would appreciate from the drawings and the context of the disclosure that as ear 851 impelled the driving element right, the driving element would impel ear 862

clockwise, moving switch 86 out of the deflation orientation and into the air closed orientation. In other words, it is inherent to the structure shown in Figs. 8A-8C and described on pages 13-14 of the application that the first switch to be cannot be in the inflate orientation when the second switch is in the deflate orientation, as there is only one fan that is operated in only one of these two directions at any given time." The Examiner disagrees. From the drawings and the context of the disclosure, a person of ordinary skill in the art at the time of the invention would not appreciate that as ear 851 impelled the driving element right, the driving element would impel ear 862 clockwise, moving switch 86 out of the deflation orientation and into the air closed orientation.

Applicant asserts "Furthermore, a person of ordinary skill in the art at the time of the invention would appreciate from the drawings and the context of the disclosure that as ear 861 impelled the driving element right, the driving element would impel ear 862 clockwise, moving switch 85 out of the deflate orientation and into the air closed orientation." The Examiner disagrees. From the drawings and the context of the disclosure, a person of ordinary skill in the art at the time of the invention would not appreciate that as ear 861 impelled the driving element right, the driving element would impel ear 862 clockwise, moving switch 85 out of the deflate orientation and into the air closed orientation.

Applicant asserts "A person of ordinary skill in the art at the time the invention would appreciate from the drawings and the context of the disclosure that as ear 851 pushes the driving element right, the driving element would impel ear 862 clockwise. Applicant therefore submits that claim 3 finds adequate support in the application as

originally filed.” The Examiner disagrees. From the drawings and the context of the disclosure, a person of ordinary skill in the art at the time of the invention would not appreciate that as ear 851 pushes the driving element right, the driving element would impel ear 862 clockwise.

Applicant asserts “A person of ordinary skill in the art at the time of the invention would appreciate from the drawings and the context of the disclosure that as ear 862 impel the driving element left, the driving element would impel ear 851 counterclockwise, moving switch 85 out of the inflate orientation and into the air closed (off) orientation.” The Examiner disagrees. From the drawings and the context of the disclosure, a person of ordinary skill in the art at the time of the invention would not appreciate that as ear 862 impels the driving element left, the driving element would impel ear 851 clockwise, moving switch 85 out of the inflate orientation and into the air closed (off) orientation.

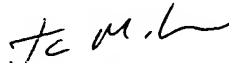
Applicant's arguments filed 3/1/06 with respect to the rejections of claims 4 and 5 under 35 USC 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER